

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

WORCESTER, ss.

In re: ) Involuntary Chapter 7  
WESTBOROUGH SPE LLC, ) Case No. 23-40709-CJP  
Debtor. )  
\_\_\_\_\_  
)

MOTION TO APPOINT INTERIM TRUSTEE

TO THE HONORABLE JUDGE CHRISTOPHER J. PANOS, AND TO THE PARTIES IN INTEREST:

I, Lolonyon Akouete, the manager of the debtor, Westborough SPE LLC ("Debtor"), hereby submit this Motion to Appoint an Interim Trustee in the above-referenced involuntary Chapter 7 bankruptcy case, pursuant to Section 1104 of the U.S. Bankruptcy Code.

**I. BACKGROUND**

1. On August 31, 2023, a petition under Title 11 of the United States Code was filed against Westborough SPE LLC, seeking an order for relief under chapter 7 of the Bankruptcy Code.

**II. LEGAL BASIS**

Section 1104 of the U.S. Bankruptcy Code authorizes the appointment of a trustee for cause, including preventing unreasonable delay or gross mismanagement of the estate. Section 303(g) permits the court to appoint an interim trustee under Section 701 of the U.S. Bankruptcy Code in an involuntary Chapter 7 case.

**III. JUSTIFICATION**

In the interest of preserving the bankruptcy estate and preventing further deterioration, Westborough SPE LLC requests the appointment of an interim trustee due to the following:

**1. Preservation of Estate Property:**

- The Debtor's assets include \$1,293,646.83 in unclaimed funds held by the State of California and a real property at 231 Turnpike Road, subject to a tax-title taking proceeding.

**2. Deteriorating Property Condition:**

- The property at 231 Turnpike Road has suffered damage from vandalism and neglect, posing safety concerns (See Exhibit 1: Photograph of the Damages and Vandalism).

**3. Escalating Property Costs:**

- Property taxes, interest, expenses, and costs of taking for 231 Turnpike Road have increased substantially from \$119,628.17 in December 2018 to \$918,314.60 as of May 16, 2023 (See Exhibit 2).

**4. Unclaimed Funds:**

- The State of California reported \$1,293,646.83 in unclaimed funds as of June 15, 2022, which are not accruing interest.

#### IV. CONSEQUENCES OF DELAY

Failure to appoint an interim trustee may expose Westborough SPE LLC to increased liability, higher legal fees, elevated tax liabilities, and additional penalties and interest.

#### V. RELIEF SOUGHT

Westborough SPE LLC respectfully requests this Honorable Court to promptly appoint an interim trustee to:

- Recover the unclaimed funds from the California State Controller
- Advance ongoing legal proceedings
- Facilitate the sale of the property
- Satisfy all creditors
- Conclude this bankruptcy case to prevent further depletion of the estate.

WHEREFORE, Westborough SPE LLC respectfully requests this Honorable Court to grant this Motion to Appoint an Interim Trustee and take all further necessary actions consistent with the relief sought herein.



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Lolonyon Akouete  
Manager of Westborough SPE, LLC  
1241 Deer Park Ave., Suite 1, #1051  
North Babylon, NY 11703  
[info@smartinvestorsllc.com](mailto:info@smartinvestorsllc.com)  
(443) 447-3276

#### CERTIFICATE OF SERVICE

I, Lolonyon Akouete, manager for the Debtor, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

Stephen F. Gordon, Attorney of the Petitioners  
(Email: [sgordon@gordonfirm.com](mailto:sgordon@gordonfirm.com))

The Gordon Law Firm LLP  
River Place 57 River Street Wellesley, MA 02481

WESTBOROUGH SPE, LLC  
By its manager,



Scott A. Schlager on behalf of,  
Nathanson & Goldberg, P.C., a creditor.  
(Email: [sas@natgolaw.com](mailto:sas@natgolaw.com))  
183 State Street, 5th Floor Boston, MA 02109

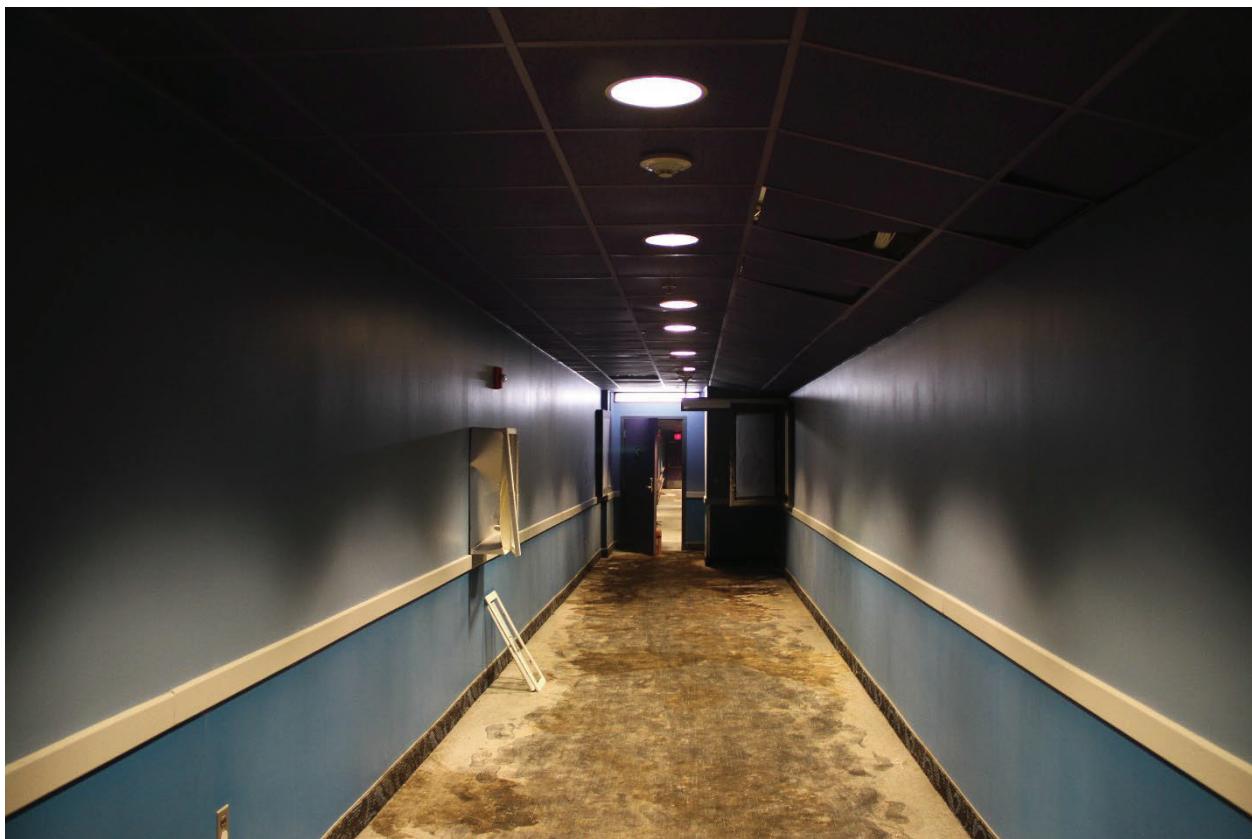
Lolonyon Akouete  
1241 Deer Park Ave., Suite 1,  
#1051  
North Babylon, NY 11703  
[info@smartinvestorsllc.com](mailto:info@smartinvestorsllc.com)  
(443) 447-3276

Assistant U.S. Trustee  
Richard King  
Office of US. Trustee  
446 Main Street 14th Floor  
Worcester, MA 01608  
[USTPRegion01.WO.ECF@USDOJ.GOV](mailto:USTPRegion01.WO.ECF@USDOJ.GOV)

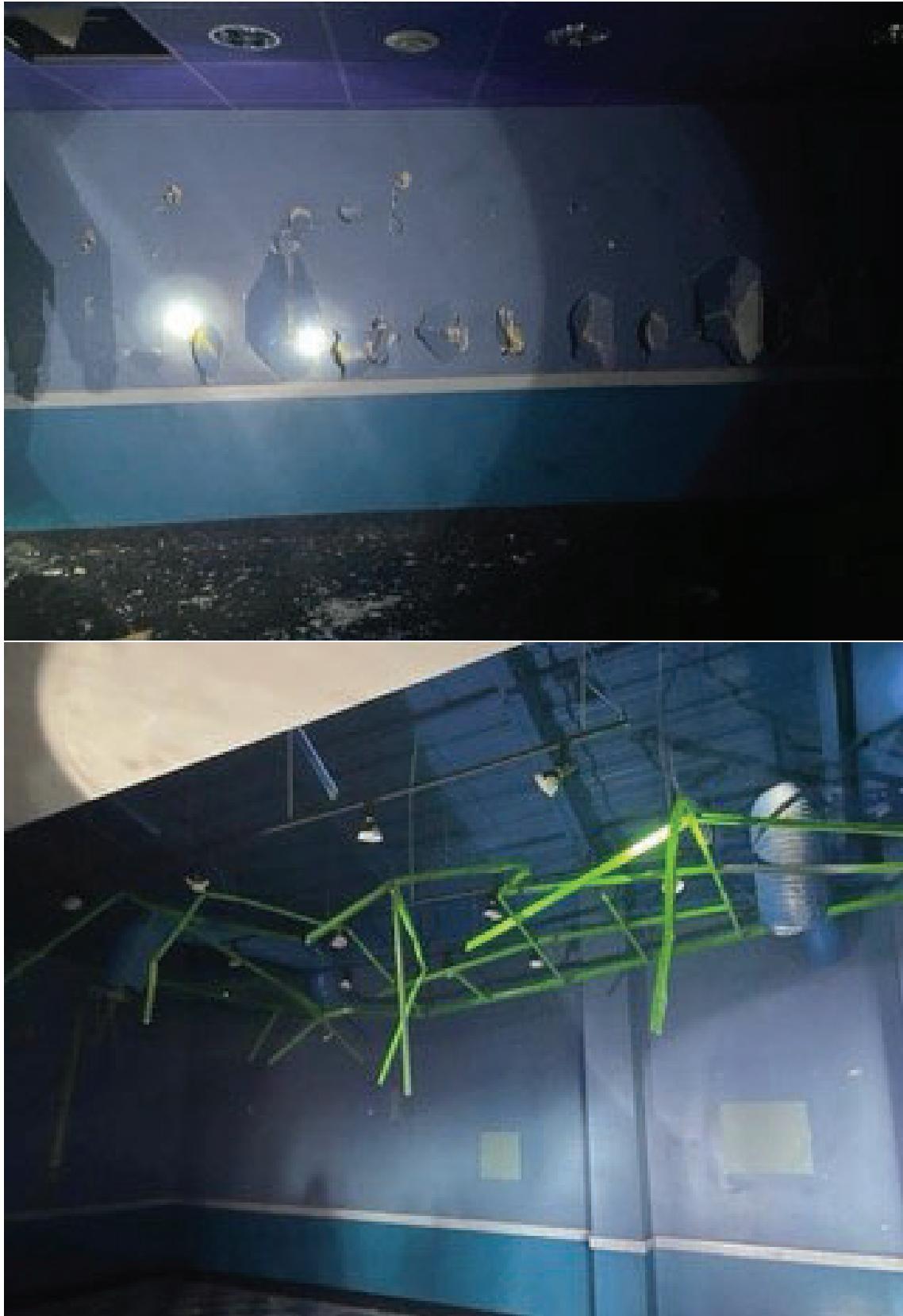
**Exhibit 1**

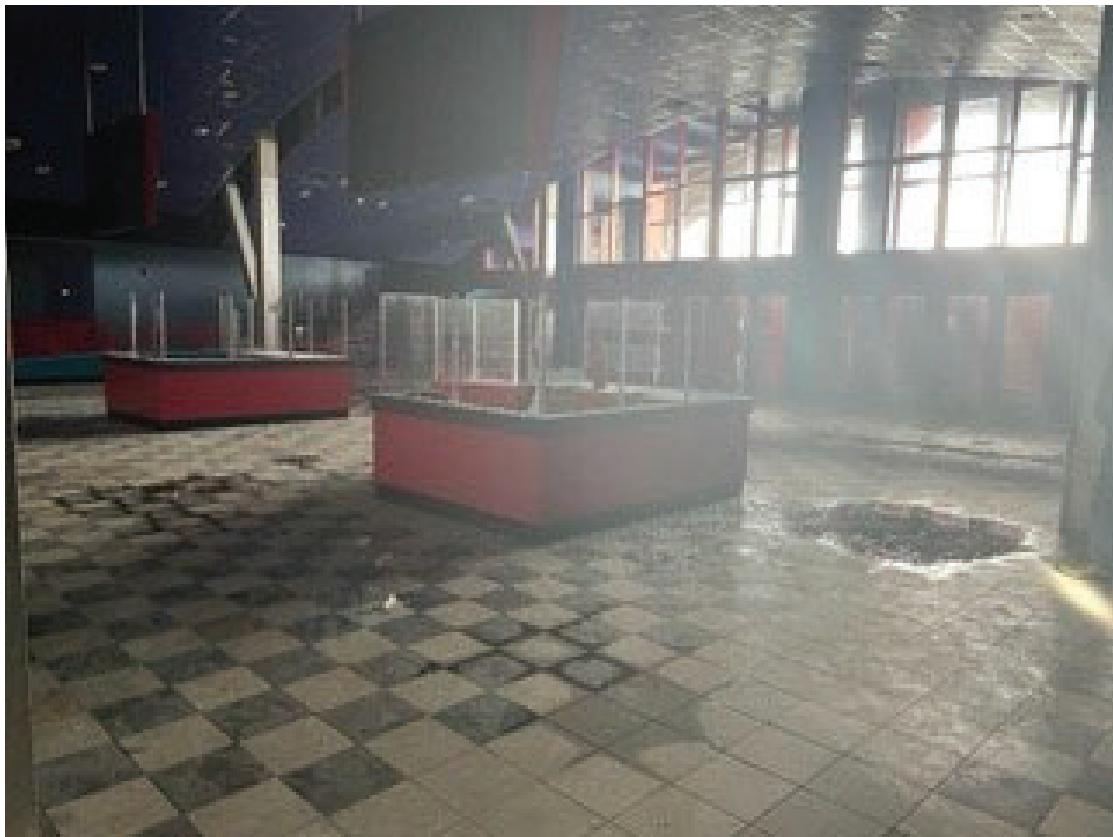
Photograph of the Damages and Vandalism.

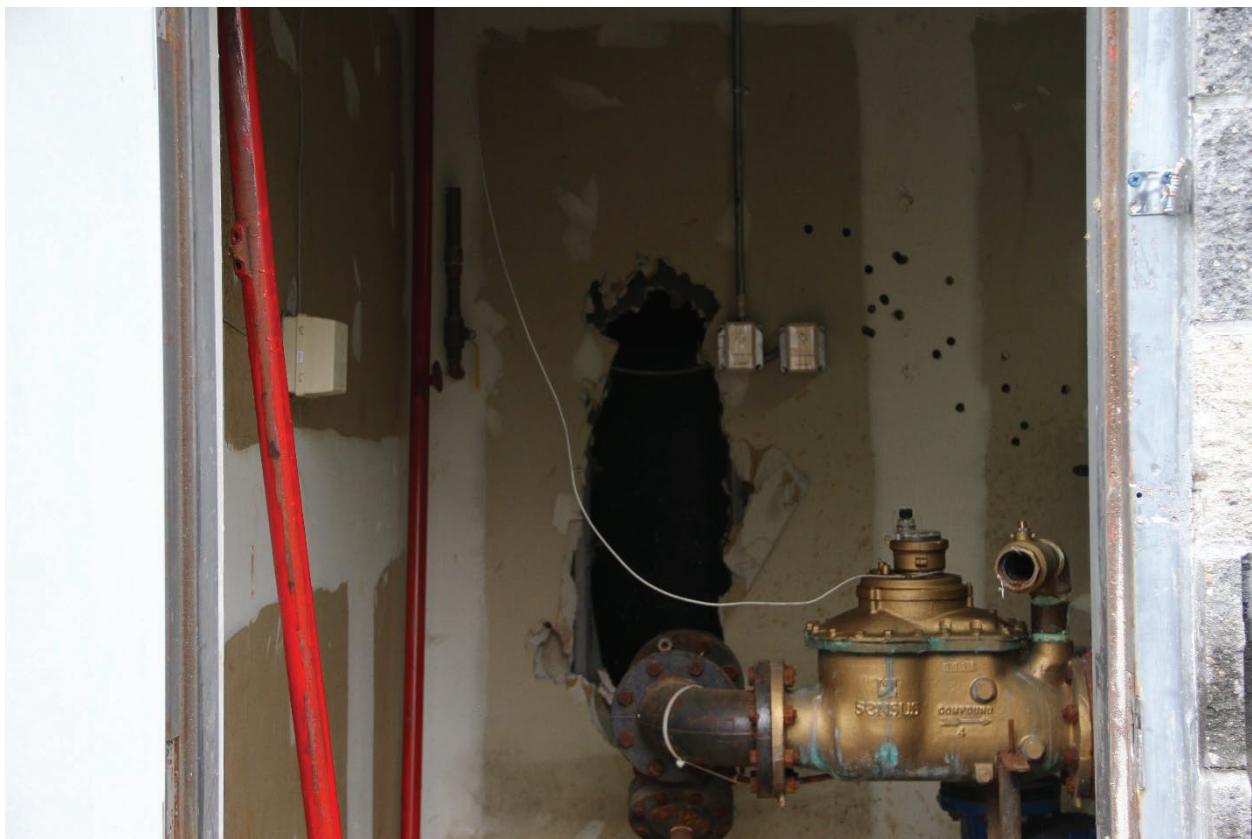












**Exhibit 2**  
Tax Title amount as of 12-28-2018  
and 5-16-2023

This instrument must be filed for record or registration within 60 days from its date

STATE TAX FORM 301  
Revised 3/2009

G.L. c. 60 §§53 and 54

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WESTBOROUGH  
OFFICE OF THE COLLECTOR OF TAXES

I, Robert C. Haley, Collector of Taxes for the Town of Westborough, acting under General Laws Chapter 60, Sections 53 and 54, hereby take for the city/town the real property described below:

**DESCRIPTION OF PROPERTY**

PROPERTY: Land and any building(s) thereon CONTAINING: 29.336 AC (more or less)

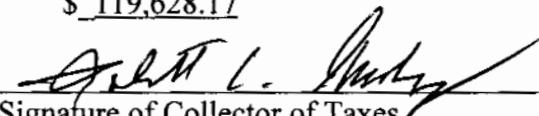
LOCATION: 231 Turnpike Road

ASSESSORS: 32-48-0

REGISTRY: Worcester District Registry of Deeds Book 19369, Page 75

This land is taken because taxes, as defined in Chapter 60, Section 43, assessed on the property to Westborough SPE LLC for the fiscal year 2018 were not paid within 14 days after a demand for payment was made on Westborough SPE LLC on June 4, 2018. After notice of intention to take the land was given as required by law, they remain unpaid along with interest and incidental expenses and costs to the date of taking as follows:

Fiscal Year 2018 Taxes Remaining Unpaid	\$ 106,944.99
Interest to Date of Taking	\$ 12,673.18
Incidental Expenses and Costs to Date of Taking	\$ 10.00
Total for which Land is Taken	\$ 119,628.17

  
Signature of Collector of Taxes  
ROBERT C. HALEY  
Printed/Typed Name of Collector of Taxes

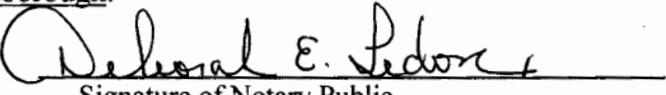
Executed as a sealed instrument on December 28, 2018

**COMMONWEALTH OF MASSACHUSETTS**

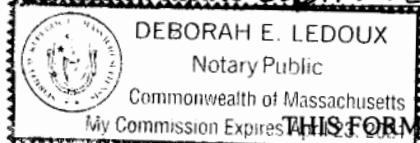
Worcester District, ss

December 28, 2018

On this 28<sup>th</sup> day of December, 2018, before me, the undersigned notary public, personally appeared Robert C. Haley, proved to me through satisfactory evidence of identification, which were MA Drivers License, and personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as Collector of Taxes for the City/Town of Westborough.

  
Signature of Notary Public

My commission expires April 23, 2021



THIS FORM APPROVED BY THE COMMISSIONER OF REV

TEST. WORC. Kathryn A. Toomey, Register



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**TOWN OF WESTBOROUGH  
MASSACHUSETTS**

OFFICE OF THE TREASURER/COLLECTOR  
34 WEST MAIN STREET  
WESTBOROUGH, MA 01581-1998  
LINDA A. SMITH

TELEPHONE  
(508)871-5142  
FAX  
(508)366-3099

231 TURNPIKE ROAD, WESTBOROUGH, MA  
PARCEL: 32-48-0 BOOK/PAGE: 66983-53

16% interest to 5/16/23

		TOTALS	VALUE
2018	Tax Title Lien Interest Water Lien Sewer Lien Interest Per Diem	\$ 119,628.17 \$ 93,956.04  \$ 213,584.21  \$ 2.44	pd Q1/1/2 Q2 \$ 9,264,800.00  water/sewer included in tax lien
2019	Tax Title Lien Interest Water Lien Sewer Lien Interest No Income Per Diem	\$ 103,133.80 \$ 64,197.28  \$ 167,581.08  45.21	\$ 5,239,100.00  water/sewer included in tax lien
2020	Tax Title Lien Interest Water Lien Sewer Lien Interest No Income Per Diem	\$ 102,963.48 \$ 48,068.54  \$ 151,282.02  45.14	\$ 5,239,100.00  water/sewer included in tax lien
2021	Tax Title Lien Interest Water Lien Sewer Lien Interest No Income Per Diem	\$ 55,915.95 \$ 17,108.72  \$ 73,274.67  24.51	\$ 2,622,100.00  water/sewer included in tax lien
2022	RE Interest Water Lien Sewer Lien Interest No Income Per Diem	\$ 36,885.70 \$ 11,075.82 \$ 198.36 \$ 208.44 \$ 268.00 \$ 250.00 \$ 48,886.32  36.17	\$ 1,994,900.00
2023	RE Interest Water Lien Sewer Lien Interest Per Diem	\$ 35,183.54 \$ 4,935.33 \$ 198.36 \$ 208.44 \$ 236.26  15.42	\$ 2,082,000.00

No Income \$ 250.00 \$ 41,011.94

\$ 695,620.24 \$ 695,620.24

NSTAR Lien	\$ 9,900.53
Boston Board Up	\$ 14,438.55
Ins. costs to date	\$ 109,882.92
EverSource costs	\$ 2,757.92
Appraisal	\$ 6,000.00
Legal fees: KP Law thru 2/28/23 - tax title	\$ 24,110.75
RFP	\$ 20,591.22
Legal fees: Iris Leahy thru 4/28/23 tax title	\$ 34,027.47
Filing fee	\$ 515.00
withdrawal ??	\$ 365.00
recording fee??	\$ 105.00
	\$ 222,694.36

GRAND TOTAL \$ 918,314.60

\*\* there could be additional charges in the days to come that could get added on, legal etc....

Linda A. Smith 5/3/2023  
LINDA A SMITH DATE  
TREASURER/COLLECTOR

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this 3<sup>rd</sup> day of May, 2023 before me, the undersigned notary public, Linda Smith, Treasurer Collector personally appeared, provide to me through satisfactory evidence of identification, which were Personally Known to me, to be the person who signed the preceding or attached document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

Deborah E. Ledoux (official signature and seal of notary public)

My Commission Expires: April 7, 2028

